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FM AMEMBASSY BISHKEK
TO RUEHC/SECSTATE WASHDC IMMEDIATE 8733
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RUEHBJ/AMEMBASSY BEIJING IMMEDIATE 1868
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RUEKJCS/SECDEF WASHDC IMMEDIATE
RUEKJCS/JOINT STAFF WASHDC IMMEDIATE
RUEHGV/USMISSION GENEVA IMMEDIATE 0416
RUEHVEN/USMISSION USOSCE IMMEDIATE 2280
RUCNDT/USMISSION USUN NEW YORK IMMEDIATE 1665
RUEHNO/USMISSION USNATO BRUSSELS BE IMMEDIATE
RUEHBS/USEU BRUSSELS IMMEDIATE
RUEHLMC/MILLENNIUM CHALLENGE CORP IMMEDIATE
RUMICEA/USCENTCOM INTEL CEN MACDILL AFB FL IMMEDIATE

C O N F I D E N T I A L SECTION 01 OF 03 BISHKEK 001772

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DEPT FOR SCA/CEN

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TAGS: [PGOV](#) [PREL](#) [MARR](#) [KG](#)

SUBJECT: MANAS SHOOTING INCIDENT: KYRGYZ WELCOME U.S.
DIPNOTE RESPONSES, BUT INSIST ON IMMUNITY ISSUE

REF: A. STATE 199856

[1](#)B. BISHKEK 1762

[1](#)C. BISHKEK 1753

[1](#)D. BISHKEK 1736

[1](#)E. BISHKEK 1733

[1](#)F. BISHKEK 1732

[1](#)G. BISHKEK 1722

BISHKEK 00001772 001.2 OF 003

Classified By: Amb. Marie L. Yovanovitch, Reason 1.4 (b) and (d).

[1](#)1. (C) SUMMARY: Separately, on December 18, Ambassador met with First Deputy Foreign Minister Taalay Kydyrov, Deputy Chief of the Presidential Staff Medet Sadyrkulov and Presidential Foreign Policy Advisor Ermek Ibragimov to deliver the USG responses to Kyrgyz Government diplomatic notes concerning the December 6 shooting incident at Manas Air Base (Ref A). The Ambassador noted that the USG had been responsive to many of the Kyrgyz requests. The Ambassador made clear that could be no waiver of U.S. jurisdiction over U.S. servicemembers. Kydyrov welcomed the responses, but noted the shooting incident had become a major political issue in Kyrgyzstan, with a potentially serious negative impact on bilateral relations. Kydyrov questioned limiting a joint military commission's scope of work to exclude reexamination of the base agreement. The issue of the base agreement, he said, was not going to go away. Sadyrkulov and Ibragimov both underscored the importance of working together to find a solution on the immunity issue that would help the President "save face." End Summary.

AMBASSADOR LAYS OUT RESPONSIVE U.S. ANSWERS

[1](#)2. (C) Ambassador met with First Deputy FM Kydyrov on December 18 to deliver the formal response to the requests contained in three diplomatic notes the Kyrgyz Government has sent regarding the shooting incident at Manas Air Base (text of formal responses in Ref A). The Ambassador stressed the

responses were provided in the spirit of friendship and cooperation and that they reflected great flexibility on the part of the United States. The Ambassador explained that Kyrgyz investigators could submit written questions and be present when U.S. investigators posed those questions to the airman. She noted that the airman has rights and that they include the right to have a lawyer present and the right to remain silent -) just as in Kyrgyzstan. She also said that the U.S. would provide the Kyrgyz with a set of the airman's fingerprints. She said that the U.S. side needed to maintain the chain of custody for the weapon and therefore could not release it. In response to Kydyrov's question, the Ambassador said that the Embassy would try to arrange for a Kyrgyz investigator to be present during any testing of the weapon, but she was not sure whether this was possible. Kydyrov said that he would arrange a meeting with the Procurator General and U.S. experts the following day to discuss this issue; perhaps the PG would agree that the U.S. has greater expertise in this area. Kydyrov also asked for a joint reenactment of the shooting.

NO U.S. FLEXIBILITY ON "IMMUNITY" ISSUE

13. (C) The Ambassador told Kydyrov that the U.S. welcomed the Kyrgyz proposal for the establishment of a joint commission to address certain issues concerning the operation of the base. She said that the commission should be military-to-military, and operate within the framework of the existing bilateral agreement. Regarding the Kyrgyz request that the U.S. waive the airman's "immunity," the Ambassador explained that there was not a question of immunity, but rather that the U.S. side had exclusive criminal jurisdiction over its personnel, and jurisdiction would not be waived. She noted that this is worldwide practice for the U.S.

BISHKEK 00001772 002.2 OF 003

military and that in Kyrgyzstan, servicemen from other countries, such as France and Russia, are also under the criminal jurisdiction of their respective countries. Kydyrov understood that the U.S. position on jurisdiction over the airman conformed to international practice.

TOUGH PUBLIC ENVIRONMENT TO RESOLVE ISSUES

14. (C) Kydyrov welcomed the responses and said that the GOKG wanted to resolve issues surrounding the investigation. Unfortunately, the incident had become a major political issue, with many "negative statements" from parliamentarians regarding the Base and the investigation. In addition, Parliament was forming a commission to look at the incident and review the base agreement. Kydyrov stressed that these statements did not reflect the position of the government, but the current political atmosphere made it harder to resolve the issues. The Ambassador pushed back, pointing out that while the public was very emotional over this issue, the presence of the Base brought many benefits to Kyrgyzstan. While the U.S. side would make public statements about efforts to resolve issues surrounding the Base, it was also the responsibility of the Kyrgyz Government to make the public case in favor of the Base.

"IMMUNITY" ISSUE WON'T GO AWAY

15. (C) Kydyrov said in this environment the work of the joint commission would be particularly important, so that work could immediately begin on the immunity question. Ambassador said that the commission could discuss general issues of mutual concern, but re-opening the MOU would require a Washington team. Moreover, the U.S. had zero flexibility on this issue. Kydyrov said in that case, we would have to come up with another alternative, because the U.S. had to consider the local environment, and no policy positions are held forever. Because of pressure from the public and in the

Parliament, the issue of the base agreement was not going to go away, he said. He said it would be important to finish the investigation quickly and transparently.

COMPENSATION TO THE FAMILY IS KEY. . .

16. (C) Kydyrov said that the issue of compensation for the deceased's family needed to be resolved as quickly as possible, as the family was in a difficult situation. The Ambassador explained that the U.S. had procedures for filing claims after completion of the investigation. Kydyrov asked for further details about the procedures.

BUT EVEN MORE CRITICAL IS "IMMUNITY" ISSUE

17. (C) In a later meeting, Deputy Chief of Staff Sadyrkulov repeatedly identified the immunity issue as a serious one. He appealed to the Ambassador to work together to find a way "to save face" for the President. He said he would discuss the issue with the President the following day and that a solution had to be found. Ambassador then met with Presidential Foreign Policy Advisor Ibragimov who was grateful for the answers the USG provided. He, too, focused on the immunity question as the single biggest issue.

COMMENT

18. (C) Although we do not rule out that there will be a cooler response in the days ahead, all three of our interlocutors were relieved that the U.S. had responded and were, by and large, pleased by our answers. They all pledged

BISHKEK 00001772 003.2 OF 003

to work constructively with the U.S. in the conduct of the investigation, the discussions regarding issues of mutual concern about the base, and a public affairs campaign to reverse the ugly public mood surrounding this issue. Ibragimov, in fact, cut short the meeting with the Ambassador so he could brief the President that the U.S. is working cooperatively with the Kyrgyz on the shooting incident before Bakiyev participated in a call-in television show answering questions from the public. If the President takes that same helpful tack, it would be a good indicator.

19. (C) However, as all three interlocutors made plain, the central issue is the issue of immunity, and it will not go away. The President, the Prime Minister, and Parliament have all publicly declared that the MOU should be changed so that servicemembers are under Kyrgyz criminal jurisdiction. We are heartened that Sadyrkulov said we need to find a way to help the President "save face;" this at least implies the realization, on the part of some Kyrgyz, that they are ready to try to find another solution. Nevertheless, walking this position back will be a challenge.
YOVANOVITCH